

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

LOU ALDRIDGE ULMER

PLAINTIFF

v.

CIVIL ACTION NO. 2:20-cv-165-TBM-MTP

UNITED STATES OF AMERICA

DEFENDANT

CONSOLIDATED WITH

ALMA J. FRAZIER

PLAINTIFF

v.

CIVIL ACTION NO. 2:20-cv-202-TBM-MTP

UNITED STATES OF AMERICA

DEFENDANT

ORDER

This matter, involving a motor vehicle accident, was filed on August 31, 2020. On April 2, 2021, Plaintiffs filed a Motion [26] for Partial Summary Judgment as to Liability. Plaintiffs subsequently filed a Motion [35] to Strike certain exhibits and statements submitted as part of Defendant's Response to the Motion for Partial Summary Judgment.

The Court has extended discovery and motions deadlines multiple times since the filing of Plaintiffs' Motion for Partial Summary Judgment. On May 3, 2021, the Magistrate Judge granted Plaintiffs' Motion [29] to Extend the expert designation deadlines. On June 30, 2021, the Magistrate Judge granted Plaintiffs' second request to extend the expert designation deadlines. Additionally, the discovery deadline was extended to September 10, 2021, and the motions deadline was extended to September 24, 2021. On August 3, 2021, the Magistrate Judge granted Plaintiffs' *ore tenus* motion for an amended case management order which, again, extended the expert designation, discovery, and motions deadlines. This order extended the discovery deadline

to November 10, 2021, and the motions deadline to November 24, 2021. On October 15, 2021, another amended case management order was entered, which further extended the expert designation, discovery, and motions deadlines. This order extended the discovery deadline to January 10, 2022, and the motions deadline to January 24, 2022. Finally, on November 12, 2021, the Magistrate Judge granted Plaintiffs' Motion [70] for extension of the expert designation deadline.

In their Motion for Partial Summary Judgment, the Plaintiffs did not seek to stay discovery pending the ruling on that motion. In fact, the discovery deadlines have been extended multiple times throughout the proceedings, at the request of the Plaintiffs. The Court finds that— given the nature of this case, the issues being litigated, the lack of a request to stay discovery, the multiple discovery and motion deadlines extensions, and the fact that discovery is clearly ongoing— Plaintiffs' Motion [26] for Partial Summary Judgment and Motion [35] to Strike shall be DENIED WITHOUT PREJUDICE as premature. Plaintiffs may reurge these motions at a later date.

IT IS THEREFORE, ORDERED AND ADJUDGED that Plaintiffs' Motion [26] for Partial Summary Judgment and Plaintiffs' Motion [35] to Strike are DENIED WITHOUT PREJUDICE as premature.

THIS, the 3rd day of December, 2021.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE